

Message Text

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E.O. 11652: GDS

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SUBJ: APPEALS COURT DECISION ON "NAVY TORTURERS" TRIAL CRITICIZED
BY POLITICAL OPPOSITION

REF 75 ATHENS 9623

1. A MILITARY APPEALS COURT MARCH 11 SIGNIFICANTLY REDUCED THE SENTENCES PREVIOUSLY IMPOSED ON SIX DEFENDANTS WHO HAD BEEN CHARGED WITH ILL TREATMENT OF PERSONNEL HELD ON BOARD THE DECOMMISSIONED GREEK CRUISER "ELLI" DURING JANUARY-MARCH 1968 (REFTEL). THE ORIGINAL SENTENCES, RANGING FROM SIX MONTHS TO EIGHT YEARS, WERE REDUCED TO PERIODS OF SIX MONTHS TO TWO YEARS IN THE CASE OF FIVE DEFENDANTS, WHILE ONE DEFENDANT WAS ACQUITTED. ALSO, FOUR OF THE FIVE SENTENCES WERE SUBSEQUENTLY SUSPENDED.

2. THE DECISION OF THE MILITARY APPEALS COURT WAS IMMEDIATELY CRITICIZED BY THE PRESS AND OPPOSITION POLITICAL LEADERS AS BEING UNJUSTIFIABLY LENIENT. IN ADDITION THE BEHAVIOR AND COMMENTS OF THE MILITARY PROSECUTOR AT THE APPEALS COURT PROCEEDINGS WERE ALSO ATTACKED. THE PROSECUTOR HAD ALLEGEDLY STATED INTER
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ALIA THAT (A) THOSE WHO INITIATED THE TRIAL IN THE

FIRST INSTACE HAD EXAGGERATED THE ILL TREATMENT WHICH THEY HAD SUFFERED, (B) THE DEFENDANTS HAD NOT ACTED FROM ANY BASE MOTIVES, AND FINALLY (C) THAT AT LEAST ONE OF THE DEFENDANTS IS OF SUCH CALIBER THAT HE SHOULD NOW BE SERVING IN THE NAVY.

3. PASOK LEADER PAPANDREOU CHARACTERIZED THE "VIRTUAL ACQUITTAL" OF THE NAVY TORTURERS AS A PROVOCATION OF THE GREEK PEOPLE AND THAT IT CONSTITUTED AS WELL "A GRAVE NATIONAL, MORAL AND POLITICAL OFFENSE WHICH WILL HAVE PAINFUL CONSEQUENCES UNLESS THERE FOLLOW AN IMMEDIATE REACTION AND SANCTIONS". OTHER CRITICAL STATEMENTS WERE ALSO ISSUED BY LEADERS OF THE UNION OF THE DEMOCRATIC CENTER, THE UNITED DEMOCRATIC LEFT AND THE GREEK COMMUNIST PARTIES.

4. INITIALLY, A GOVERNMENT SPOKESMAN MARCH 11 STATED IN RESPONSE TO THIS OPPOSITION CRITICISM THAT THE GOVERNMENT NEITHER INTERFERED IN MATTERS PERTAINING TO THE INDEPENDENT JUDICIARY NOR DID IT ENCOURAGE CRITICISM OF ITS DECISIONS. SUBSEQUENTLY, ON MARCH 13, MINISTER OF DEFENSE AVEROFF ANNOUNCED THAT HE HAD ORDERED AN ADMINISTRATIVE INQUIRY INTO THE ATTITUDE OF THE MILITARY PROSECUTOR, MAJOR GENERAL KALLITSIS, AND THAT THE MINUTES OF THE TRIAL WOULD BE EXAMINED TO DETERMINE THE POSSIBILITY FOR APPEALING THE DECISION TO THE GREEK SUPREME COURT. FINALLY, AVEROFF SAID THAT WHILE THE GOG RESPECTS THE PRINCIPLE OF NOT INTERFERING WITH MILITARY JUSTICE, "IT CANNOT REMAIN INDIFFERENT IN THE FACE OF THE REPORTED ATTITUDE OF THE PROSECUTOR".

5. TWO DAYS LATER, A GOVERNMENT STATEMENT WAS ISSUED CRITICIZING BOTH THE OPPOSITION AND THE PRESS FOR INDULGING IN SUBJECTIVE COMMENT AND SYSTEMATICALLY BLAMING THE GOVERNMENT FOR COURT DECISIONS WHICH THEY DO NOT LIKE. THE STATEMENT SAID THAT SUCH AN ATTITUDE IS TOTALLY UNACCEPTABLE BECAUSE IT IS BOTH UNJUST AND BECAUSE IT CREATES A "DANGEROUS POLITICAL CLIMATE IN THE COUNTRY". THE STATEMENT ADDED THAT CONFIDENTIAL

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WERE THE GOG TO INTERFERE WITH THE WORK OF THE COURTS -- EVEN ONLY ONCE -- THE LAW WOULD NO LONGER BE INDEPENDENT AND JUSTICE WOULD CEASE TO EXIST. IN THAT INSTANCE, THE GOG WOULD DESERVE BLAME FOR OBSTRUCTING THE FUNCTIONING OF THE COUNTRY'S DEMOCRATIC REGIME. THE STATEMENT CONCLUDED BY NOTING THAT "THE SOONER THE CLEANSING F THE DICTATORSHIP PERIOD IS FINISHED, THE BETTER THE GREEK PEOPLE WILL

BE ABLE TO SAFEGUARD DEMOCRACY."

6. COMMENT: A NEW DEMOCRACY DEPUTY TOLD AN EMBOFF
MARCH 14 THAT IN THE COURSE OF A CABINET MEETING LATE
MARCH 12 "PRIME MINISTER CARAMANLIS WAS FURIOUS" OVER
THE CONTROVERSY CREATED BY THE "ELLI" AFFAIR AND IN
FRONT OF ALL CABINET MEMBERS HE SHARPLY CRITICIZED
DEFENSE MINISTER AVEROFF. IT IS LIKELY THAT IT WAS
IN RESPONSE TO THAT CRITICISM BY THE PRIME MINISTER
THAT THE DEFMIN THE NEXT DAY INITIATED THE ADMINIS-
TRATIVE INQUIRY INTO THE APPEALS COURT PROCEEDINGS.
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